

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

2.18

TARGETING WISHA ACTIVITIES (MARITIME INDUSTRIES)

Date: May 2, 2001

I. Background

Most Washington employers are subject to Title 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). RCW 49.17.050(6) specifically requires the department to "provide for the frequency, method, and manner of the making of inspections of work places without advance notice." WAC 296-350-10010(1) specifically provides for programmed inspections using "scheduling systems" that may look at a range of objective criteria. WAC 296-350-10010(3) also provides for "routine programmed inspections" of several "high hazard industries," including maritime.

Within the maritime industries, jurisdiction issues become a special concern. In relation to ship-building, longshore/stevedore activities, and commercial diving, a single employer will frequently fall under both OSHA and WISHA jurisdiction depending upon the nature and location of the specific activity. For this reason, coordination of state and federal activities takes on particular value. In relation to ship-building, both agencies have a particular interest in addressing the most hazardous industry in the state (based on Bureau of Labor Statistics data, SIC 3731 has been the most hazardous industry in the state for a number of years, reaching a rate of nearly 57 injuries per 100 workers in 1996).

Finally, maritime targeting was also among the subjects of extended labor-management discussions within the department during 1997. Those discussions recognized the need to treat maritime activities differently depending upon the particular industry involved. This memo reflects such an approach to targeting maritime activities within a range of industries.

II. Scope and Application

This WISHA Regional Directive (WRD), which replaces and rescinds WISHA Interim Operations Memorandum #98-6-G, will remain in effect indefinitely. It provides guidance to WISHA enforcement and consultation staff regarding programmed activities within the maritime industries.

III. Special Enforcement and Consultation Protocols

A. Who has primary responsibility for managing the appropriate use of WISHA enforcement resources to conduct maritime inspections?

WISHA regional enforcement supervisors are responsible for managing the appropriate assignment of inspections in relation to maritime activities within the region.

WISHA safety and hygiene enforcement supervisors are expected to make a particular effort, using any resources available to them, to identify and inspect those maritime employers who appear highest on the maritime industry list(s). To the extent possible, inspections of employers high on the list should be given priority over other programmed inspections within the maritime industries.

B. How should inspections within the maritime industries be reported?

Inspections within maritime industries are to be considered “programmed” inspections when initiated according to the guidelines below and unless they are fatality/catastrophe investigations or have been initiated in response to specific complaints or referrals. All such programmed inspections are to be comprehensive hygiene or safety inspections of the work site and/or operation, including an evaluation of the employer’s overall safety and health program.

1. Comprehensive inspections of shipyards (SIC 3731), boatbuilding (SIC 3732) and closely related operations, when assigned by the WISHA compliance supervisor, are to be considered programmed.

In order to ensure an appropriately heightened and coordinated enforcement presence, the maritime specialist in WISHA P&TS will consult with regional supervisors regarding the need for such inspections and any appropriate coordination with federal OSHA.

2. Comprehensive inspections of marine terminals subject to the longshore/stevedore standard are to be considered programmed.

Because of the highly transient nature of such activities, the maritime specialist within WISHA P&TS will regularly consult with affected regional supervisors regarding the need for such inspections and the extent of waterfront activities.

3. Any comprehensive inspections involving the use of maritime cranes subject to the maritime crane certification requirements will be considered programmed inspections.
4. Any comprehensive inspections of commercial diving operations, when assigned by the supervisor or when the divers are observed in operation under state jurisdiction, will be considered programmed inspections.
5. Any inspections of waterfront structures (piers and docks), when assigned by the supervisor, will be considered programmed inspections. Regional WISHA supervisors will coordinate with local enforcement officials and the maritime specialist in WISHA P&TS to determine the need for such inspections of waterfront structures.

6. All other maritime enforcement activity will be addressed through existing targeting protocols (see WIM 99-3-A). Such activity will *not* be considered “programmed” activity based on the nature of the industry alone.

C. When should WISHA consultation activity be identified as “programmed” consultation activity?

WISHA consultation services that result from employer-specific marketing to maritime employers whose operations are subject to the above provisions will be considered “programmed” consultation activity for the purposes of reporting to federal OSHA.

Approved: _____

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For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).